

REMARKS

Introduction

The present application includes claims 1-15, 34-58, and 69-80. Claims 16-33, 59-68 and 81-101 have been withdrawn. By this Amendment, claims 1, 10, 34, 39, 51, and 55 have been amended. Reconsideration of the application, as amended, and in view of the following remarks, is respectfully requested.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 10 and 51 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended these claims to correct the issues noted by the Examiner at numbered paragraph 3 of the Office Action.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 39-43, 45 and 49 are rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Patent Application No. WO 94/13198 to Kelly et al. (hereinafter "Kelly").

As amended, independent claim 39 recites, "A computer system coupled to a patient or to a bed... to travel with the patient... the system comprising an independently operable computer..". Kelly's computer (102) does not travel with the patient as claimed. Further, while Kelly's bedside display (120) is portable, it is powered by a docking station (110) (Fig. 1A). The docking station remains in a fixed location. (*See* p. 9, ll. 20-22). As such, Kelly's display (120) is not "independently operable" as claimed. Kelly's pods 150-158 are standalone devices, but they are merely data acquisition devices. (*See* Kelly, pp. 6-7). Kelly's pods 150 only include electronics necessary to receive a signal from a sensor and transmit it to the portable monitor 102. (*See* Kelly, p. 23, ll. 29-36). Thus, pods 150 are not computers, as claimed.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 47-48 and 50-58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly. Claims 1-6, 15, 44 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly in view of U.S. Patent No. 5,544,649 to David et al. (hereinafter "David"). Claims 69-80 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly in view of David and U.S. Patent No. 5,857,685 to Phillips et al. (hereinafter

“Phillips”). Claims 7-8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly in view of David and U.S. Patent No. 6,309,230 to Helot (hereinafter “Helot”). Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly in view of David and U.S. Patent No. 5,841,424 to Kikinis (hereinafter “Kikinis”). Claims 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly in view of David and U.S. Patent No. 6,643,124 to Wilk (hereinafter “Wilk”). Claims 34-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,291,894 to Nagy (hereinafter “Nagy”).

Claims 47-48 depend from independent claim 39, which, as amended, is believed to be patentable over the prior art of record.

With regard to independent claim 50, *Kelly et al.* teaches that the manual device pods (150-158) are independently operable: “the data acquisition pods in the present invention are standalone self-contained devices.” (p. 6, ll. 32-33; p. 23, ll. 30 – p. 24, l. 5) (emphasis added). *Kelly et al.* does not disclose, teach, or suggest data acquisition modules that use the processor, the user interface, the power supply, and the display of the claimed computer system to operate, thereby reducing redundant components in the data acquisition module, as claimed. *Kelly et al.* specifically teaches that each pod has its own controller 422, memory 432, etc. (See Fig. 4).

Regarding independent claim 55, *Kelly et al.* does not disclose, teach or suggest simultaneously displaying at least two indicators as is particularly recited in the amended claim.

With respect to independent claim 1, neither Kelly nor David disclose, teach, or suggest an independently operable computer configured to travel with a patient as particularly recited in the claim as amended. David’s displays, 78, 82, 152, 154 are part of a central station 20 which, as shown in Fig. 1, does not travel with the patient. The requisite teachings and motivation to make the claimed combination are found only in Applicants’ disclosure.

Regarding independent claim 69, the Examiner has used improper hindsight reasoning to support this rejection. Nowhere in Phillips is it even suggested that the disclosed support cart can be used as a walker. Phillips’ cart is used to support intravenous fluid dispensing systems. Phillips does not anywhere teach or suggest that the cart is capable of supporting a patient or assisting a patient’s movement as claimed. Further, none of the cited references disclose, teach, or suggest the claimed movable arm. The requisite teachings and motivation to make the combination of claim 69 are found only in Applicants’ disclosure.

With regard to independent claim 34, Nagy does not disclose, teach, or suggest a means for supporting a patient to which the monitoring, recording, and determining means are coupled, as recited in the amended claim. In Nagy, no mention is made of a patient support. The teaching or suggestion required for an obviousness rejection must come from the prior art. Here, the requisite teaching, suggestion, and motivation is found only in Applicants' specification. Such use of Applicants' disclosure is improper hindsight reasoning.

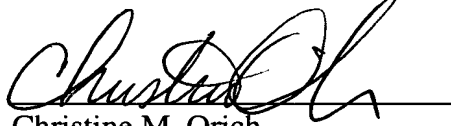
Final Remarks

Applicants submit that claims 1-15, 34-58, and 69-80 are in condition for allowance. Such allowance is respectfully requested.

If necessary, Applicants request that this Amendment be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees for filing this Amendment be charged to the account of Bose McKinney & Evans LLP, Deposit Account Number 02-3223.

Respectfully submitted,

BOSE McKINNEY & EVANS

A handwritten signature in black ink, appearing to read 'Christine M. Orich', written over a horizontal line.

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